

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re Polyurethane Foam Antitrust
Litigation

Case No. 1:10 MD 2196

ORDER

This document relates to: ALL CASES

JUDGE JACK ZOUHARY

This Court held a phone conference to discuss (1) an informal discovery dispute related to a pending, but not yet decisional, Direct Purchaser Motion for Protective Order (*see* Doc. 984), and (2) certain Defendants’ “Renewed Motion to Compel the Deposition of Vitafoam Pursuant to Rule 30(b)(6)” (Doc. 1026), which Vitafoam opposed (Doc. 1027).

Present on the call to argue the informal discovery dispute: Adam Wolfson for Direct Purchaser Plaintiffs; and James Walsh for the Carpenter Defendants.

Present on the call to argue the renewed Motion to Compel: Kendall Millard for Defendant Flexible Foam; James Walsh for the Carpenter Defendants; and Timothy Coleman for the Vitafoam Defendants.

With respect to the informal discovery dispute, this Court allowed a deposition of (possible) absent class member Flex Foam to proceed. Defendants represented to this Court that Flex Foam had no objection to holding the deposition. Defendants also represented to this Court that the deposition would be limited in scope, probing only Flex Foam’s status as a “competitor” foam producer not alleged to be a member of the conspiracy. As noted during the phone conference, this Court’s decision to allow the deposition to proceed does not indicate how it will rule on Direct Purchasers’ pending, but not yet decisional, Motion for Protective Order.

With respect to the Motion to Compel, the subject matter addressed by Defendants' renewed Motion was the focus of a February 7, 2014 record phone conference (*see* Doc. 989), during which this Court heard oral argument in support of, and in opposition to, a prior Motion to Compel on the same topic. Having reviewed the present Motion and Opposition, this Court granted the Motion. Parties may by stipulation schedule the Vitafoam Defendant's Rule 30(b)(6) deposition for a date after the February 28, 2014 fact discovery cut-off.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

February 21, 2014